IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 17TH AUGUST 2007 / 26TH SRAVANA 1929

WP(C).No. 24649 of 2007(H)

PETITIONER:

SWAROOP SOMAN, S/O.SRI.S.SOMAN,
AGED 17 YEARS, REPRESENTED BY HIS FATHER AND
GUARDIAN SRI.S.SOMAN, MUKKATHKARIYIL,POOTHOTTA P.O
ERNAKULAM, RESIDING AT ANMOL CO-OPERATIVE HOUSING
SOCIETY, PLOT NO.94, ROOM NO.D4, MHADA, MALWANI,
MALAD (W), MUMBAI-400095(NOW AT ERNAKULAM).

BY ADV. SRI.V.A.MUHAMMED

RESPONDENTS:

COCHIN UNIVERSITY SCIENCE AND TECHNOLOGY
REPRESENTED BY ITS REGISTRAR, THRIKKAKARA,
COCHIN-22.

BY ADV.SRI.A.A.ABDUL HASSAN, S.C.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 17/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

THOTTATHIL B.RADHAKRISHNAN, J.

W.P(C).No.24649 OF 2007

Dated this the 17th day of August, 2007

JUDGMENT

The petitioner aspires for admission for the B.Tech. course in CUSAT. He has applied for the Common Admission Test being held by CUSAT. The hitch that has cropped up is that the petitioner has passed the qualifying examination from the Maharashtra State Board of Secondary and Higher Secondary Education has appeared for the subject group known as Mathematics and Statistics under code 40 of Ext.P1, while Ext.P5 regulations provide a minimum cut of 50% marks of the aggregate of Mathematics, Physics and Chemistry for one to be entitled for entry to B.Tech degree course, apart from a separate minimum of 50%. The issue that then arises for decision is as to whether the petitioner who has got 88% in Mathematics and Statistics, going by code 40 of Ext.P1, would be treated as one who has secured more than 50% marks in Mathematics for the purpose of Ext.P5.

2. It is apparent from Ext.P1 that code 40 relates to Mathematics and Statistics for the Arts and Science Streams. I say so because code 88 in Ext.P1 relates to Mathematics and Statistics for the Commerce stream. The question whether the petitioner, having appeared and obtained marks in Mathematics and Statistics for the Arts and Science Stream of Maharashtra State Board of Secondary and Higher Secondary Education, is entitled to be treated as satisfying the prescriptions in Ext.P5 is a matter which can be considered by the Highest body in relation to Ext.P5, i.e. its maker, which is stated to be the Syndicate. It is appropriate that the case of the petitioner, therefore, gains attention of the Syndicate of CUSAT, which may decide on such matter on the basis of such materials as may be deemed necessary for consideration and which the petitioner may be directed to produce or which he may produce. Let the needful, in terms of what is aforesaid, be done within an outer limit of one month from the date of receipt of a copy of this judgment.

3. It could also be considered by the University that having regard to the urgency of the situation, whether it would be appropriate for the Vice Chancellor to invoke the emergency powers if the Syndicate is not in session, subject to ratification by the Syndicate later. The Vice Chancellor would also consider whether one vacancy could be left unfilled pending decision on the claim of the petitioner.

The writ petition is disposed of with the above directions.

Sd/-

THOTTATHIL B.RADHAKRISHNAN,
Judge

kkb.